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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 22 2008

at 4 o'clock and 13 min. P.M.
SUE BEITIA, CLERK

ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

RAYMOND E. WARE;)	CIVIL NO. CV 04-00671 HG/LEK
)	
Plaintiff,)	PLAINTIFF RAYMOND WARE'S
)	PROPOSED VOIR DIRE
vs.)	QUESTIONS
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
JOHN DOES 2-5,)	Trial Date: February 5, 2008
)	Time: 9:00 a.m.
Defendants.)	Judge: Helen Gillmor
)	

PLAINTIFF RAYMOND WARE'S PROPOSED VOIR DIRE QUESTIONS

COMES NOW, Plaintiff Raymond Ware and requests that this

Honorable court present the following voir dire questions to the jury panel.

1. Have you ever heard of the Civil Rights Act (Title VII) which prohibits discrimination on the basis of race and retaliation for filing a discrimination complaint? If so, do you have any feelings about Title VII of the Civil Rights Act?

Do you have any objections to such a law? Do you feel there is a need for laws like the Civil Rights Act?

2. In this case, the Plaintiff, Raymond Ware filed a lawsuit alleging that the defendant, Department of Homeland Security, Transportation Security Administration (TSA) discriminated against him when after he filed a complaint with the EEO, he was not promoted to screening manager and was discriminated against due to his race, African American, and that it caused him damages. The Defendant denies these allegations.

3. Have you ever heard or read anything or know anything about this case? If so, please tell us what you heard or read or know about this case? What was your reaction when you heard/read about this case. Do you think that you can make a decision based on evidence, and not based on what you may have heard or read about the case?

4. Do you know any of the attorneys involved in this case? (Names read by the Judge). If so, please explain how you know them.

5. Do you know any of the parties and witnesses in this case? (Names read by the Judge). If so please, explain how you know them.

6. Have you, or any of your family members, friends or acquaintances ever worked for TSA, Dpt. of Homeland Security? If so, please state who, when

and how long that person worked at TSA. Would this cause you to be biased in favor of TSA? Would this cause you to be biased against Plaintiff Raymond Ware?

7. Have you ever known or worked with someone who is African American? Did you ever have any worries or concerns about working with that person?

8. Do you believe it is discriminatory for an employer to refuse to promote someone who has filed a discrimination complaint?

9. Have you or has anyone you know filed a charge of discrimination with the EEOC, the Hawaii Civil Rights Commission, or any other similar agency? If so, what were the basis and outcome of that charge? Do you feel the charge was resolved to your satisfaction?

10. Have you, your family, or your close friends been involved in a lawsuit or claim, whether as a party, such as a plaintiff or defendant, or as witness? If yes, please describe the circumstances. How did that lawsuit or claim affect you? What are your feelings about that lawsuit or claim?

11. Have you ever served on a jury before? If so, what type of trial was it? Did anything occur during the trial of that case that would tend to influence you either for or against any of the parties in this case?

12. Have you or any family member or anyone close to you experienced

discrimination on the basis of disability, national origin, race, sex, color, religion, age or retaliation? If yes, please describe the circumstances.

13. Do you think that government employers should be responsible for unlawful acts, such as discrimination on the part of its managers? Do you think its fair for management level employees to be responsible for understanding laws which prohibit discrimination?

14. Do you think that a person can suffer emotional distress such as stress, anxiety, depression, because he or she was discriminated against?

15. Do you think that being retaliated for complaining about employment discrimination can scar someone emotionally?

16. Do you think its possible for someone to experience emotional distress or trauma because they were turned down for a promotion? Would it make a difference if the person made more than one application for promotion and was denied each time?

17. Do you think that the government should be involved in enforcing laws against discrimination?

18. What do you think about someone suing their former employer for discrimination?

19. What do you think about race discrimination?

20. Do you think you it is all right for an employer to only promote people they are comfortable with and to exclude others of a different race?

21. Do you think it is all right for an employer to retaliate against an employee who filed a discrimination complaint?

22. Do you believe the employer is always right in its decision to promote?

23. Do you believe an employer can discriminate against an employee and later make up complaints against the employee to justify its act?

24. Do you think that you could award money to an aggrieved person whatever amount of financial damages is necessary to justly compensate him/her if the evidence and law warranted it?

25. In this case, the plaintiff says that the defendant's discriminatory act caused psychological and emotional distress. How do you feel about giving person money for psychological and emotional injuries? Do you feel a person should not be awarded monetary damages to compensate for emotional distress, loss of self esteem suffered as a result of discriminatory conduct?

26. Some types of damages are easier to evaluate and some are more difficult. It is hard to put a dollar amount on emotional injuries that affect a person's mental health and well-being. Does this make you think that this kind of

compensation should not be asked for? Do you think your feelings would make it hard for you to award money for this kind of injury?

27. Do you think a person has more of a right to be compensated for physical injury, such as loss of a limb, than for emotional injury, such as suffering stress, anxiety or depression?

28. Is there anything in your background or belief or morality that makes it impossible for you to award monetary damages for this type of case?

29. Could you award punitive damages, that is monetary damages designed to punish an employer for violating the law and/or to deter unlawful conduct, if the evidence and the law warranted it?

30. Do you believe that people sometimes obtain from law suites, large amounts of money they don't deserve? Why do you think that happens? Who do you think is responsible? Do you think you might not want to compensate someone because of your feelings about this?

31. Do you have a figure in mind as the limit you would award no matter what the evidence demonstrated?

32. Is there anyone who believes the plaintiff must prove its case by proof beyond a reasonable doubt instead of a by a preponderance of evidence?

33. Do you have any opinions or beliefs that would prevent you from

rendering a verdict in favor of the Plaintiff if the evidence and law warranted such a verdict?

34. Is there anything in your background that you think we should know but have not asked, which could affect the way you feel about this case?

35. Would you believe an employer over an employee?

36. Do you believe an employer can discriminate against an employee on the basis of race?

37. Do you believe an employer can discriminate against an employee on the basis of retaliation?

Respectfully submitted,

Dated: Honolulu, Hawaii

1-20-08



DAPHNE E. BARBEE
Attorney for Plaintiff Ware